

Message Text

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ORIGIN EA-14

INFO OCT-01 ISO-00 L-03 NSC-10 SSO-00 NSCE-00 INRE-00 PM-07

CIAE-00 INR-10 NSAE-00 RSC-01 DODE-00 IO-14 PRS-01

OMB-01 SS-20 /082 R

DRAFTED BY EA/K:EHKELLY:DPW

APPROVED BY EA - MR. SNEIDER

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- MR. LEITZELL

WHITE HOUSE: MGEN SCOWCROFT

JCS - MR. VANDEGRIFT

JCS - COL. ADAMS

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FM SECSTATE WASHDC

TO AMEMBASSY SEOUL NIACT IMMEDIATE

CINCUNC

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S E C R E T STATE 249865

E.O. 11652: GDS

TAGS: MARR, MOPS, PBOR, KS, KN

SUBJ: ROKG LEGAL MEMORANDUM ON NORTHWEST COASTAL INCIDENTS

REF: A. SEOUL 8574; B. SEOUL 8575

JOINT STATE/DEFENSE MESSAGE

1. CONCUR IN REACTION TO PROPOSED MEMORANDUM. ALTHOUGH ROKG MAY ISSUE MEMO UNILATERALLY, USG (UNDER UNC ROLE) WILL BE CALLED UPON TO DEFEND CONTENTS AT MAC MEETINGS AND POSSIBLY ELSEWHERE. ACCORDINGLY, WE HAVE VALID GROUNDS FOR INSISTING THAT OUR VIEWS BE TAKEN INTO CONSIDERATION PRIOR TO RELEASE. FOLLOWING ARE MORE DETAILED COMMENTS FOR TRANSMITTAL TO MOFA.

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2. USG AND ROKG MUST BE IN COMPLETE ACCORD ON PUBLIC POSITIONS, PARTICULARLY AS THEY RELATE TO THE ARMISTICE AGREEMENT. IF ROKG TAKES PUBLIC LINE THAT WE CANNOT SUBSEQUENTLY DEFEND UNDER OUR INTERPRETATION OF ARMISTICE AGREEMENT, NORTH KOREA WILL BE QUICK TO EXPLOIT DIVERGENCES EITHER APPARENT OR REAL.

3. WE HAVE RESERVATIONS ABOUT MOFA'S ATTEMPT TO GIVE NLL VALIDITY AS A "RESPECTED" ELEMENT OF "ARMISTICE REGIME" WHICH HAS DEVELOPED OVER PAST 20 YEARS. WE ARE AWARE OF NO EVIDENCE THAT NLL HAS EVER BEEN OFFICIALLY PRESENTED

TO NORTH KOREAS. WE WOULD BE IN AN EXTREMELY VULNERABLE POSITION OF CHARGING THEM WITH PENETRATIONS BEYOND A LINE THEY HAVE NEVER ACCEPTED OR ACKNOWLEDGED. ROKG IS WRONG IN ASSUMING WE WILL JOIN IN ATTEMPT TO IMPOSE NLL ON NK.

4. IF ROKG PROCEEDS WITH MEMO IT SHOULD BE REVISED ALONG FOLLOWING LINES TO AVOID SITUATION ANTICIPATED PARA TWO.

5. PARA L (A) OF REFTTEL B IS ACCEPTABLE RESTATEMENT OF NK POSITION. PARA L (B) SHOULD BE REVISED ALONG FOLLOWING LINES. "SINCE OCTOBER 23, 1973, NORTH KOREAN NAVAL VESSELS HAVE BEGUN CARRYING OUT A SERIES OF PROVOCATIVE NAVAL MANEUVERS IN THE CONTIGUOUS WATERS OFF THE FIVE ISLAND GROUP. IN PARTICULAR, THE NORTH KOREANS NAVAL VESSELS HAVE ILLEGALLY INTRUDED, ON NINE DIFFERENT OCCASIONS, TO POINTS RANGING FROM 5,000 TO 1,000 RDS IN THE CONTIGUOUS WATERS OFF THE SAID ISLANDS DURING THE PERIOD FROM NOVEMBER 19 TO DECEMBER 19, 1973. MOREOVER, NORTH KOREAN VESSELS HAVE BEGUN TO DANGEROUSLY HARASS VESSELS IN TRANSIT TO THESE SAID ISLANDS EVEN THOUGH THE TRANSITING VESSELS HAVE FOLLOWED A LONGER, MORE INDIRECT COURSE WHICH KEEPS THEM BELOW THE NORTHERN LIMIT LINE (NLL). THIS LINE WAS ESTABLISHED BY THE UNC SIDE SOON AFTER THE ARMISTICE IN AN EFFORT TO AVOID POTENTIAL CONFRONTATION BY KEEPING UNC NAVAL AND CIVILIAN VESSELS SUFFICIENTLY CLEAR OF NORTH KOREAN SHORELINES TO AVERT INCIDENTS. THE WISDOM OF THIS PRUDENT MEASURE HAS BEEN DEMONSTRATED BY THE ABSENCE OF SERIOUS INCIDENTS UP UNTIL

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THE BEGINNING OF RECENT NORTH KOREAN MANEUVERS. END QUOTE.

6. PARA 2(A) AND (B) REQUIRE NO CHANGE.

7. PARA 2(C) SHOULD BE DELETED.

8. IN PARA 3(A) THE VAGUE PHRASE "SEA AREA" SHOULD BE CHANGED TO "CONTIGUOUS WATERS".

9. PARA 3(C) SHOULD BE REVISED AS FOLLOWS: QUOTE THE NORTHERN LIMIT LINE HAS PLAYED AN IMPORTANT ROLE IN PRESERVING PEACE IN THE WATERS FOR THE PAST TWENTY YEARS. THE RECENT NORTH KOREAN HARASSMENT OF VESSELS BELOW THAT LINE, CAN ONLY BE REGARDED AS NEW MILITARY PROVOCATIONS LAUNCHED BY THE NORTH KOREANS FOR THE PURPOSE OF DISRUPTING THE LONG EXISTING AND STABLE SITUATION IN DEFERENCE OF THE SPIRIT AND PROVISIONS OF THE ARMISTICE AGREEMENT. END QUOTE.

10. IN PARA 4(B) THE WORDS "ARMISTICE REGIME" SHOULD BE DELETED AND THE WORDS " PEACE AND STABILITY OF KOREA" INSERTED.

11. IN SUM, YOU SHOULD INFORM MOFA THAT WE CONSIDER THE MEMO WILL HAVE LITTLE PUBLIC IMPACT. WE ARE MAINLY INTERESTED IN RESOLVING PROBLEM AND ARE INCLINED TO BELIEVE THAT THE WORDING AND TONE OF ROKG MESSAGE, UNLESS AMENDED AS ABOVE, WILL EXACERBATE THE DISPUTE. THE ROKG SHOULD UNDERSTAND THAT OUR POSITION WILL BE DETERMINED SOLELY BY THE TERMS OF THE ARMISTICE AGREEMENT WHICH MAKES NO REFERENCE TO NLL. RUSH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 22 DEC 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE249865
Document Source: CORE
Document Unique ID: 00
Drafter: EHKELLY:DPW
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t1973128/aaaaafqj.tel
Line Count: 138
Locator: TEXT ON-LINE
Office: ORIGIN EA
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: A. SEOUL 8574; B. SEOUL 8575
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 01 FEB 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01-Feb-2002 by martinjw>; APPROVED <11 MAR 2002 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ROKG LEGAL MEMORANDUM ON NORTHWEST COASTAL INCIDENTS
TAGS: MARR, MOPS, PBOR, KS, KN
To: SEOUL
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005